

## Message Text

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ORIGIN SS-25

INFO OCT-01 ISO-00 SSO-00 /026 R

DRAFTED BY ARA-LA/PAN:RCAMAU:EMM

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GC/LA:ILEVY (DRAFT)

L:DGANTZ (DRAFT)

AA/LA:HKLEINE (DRAFT)

H:WRICHARDSON (DRAFT)

S/S:FVORTIZ

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FM SECSTATE WASHDC

TO AMEMBASSY PANAMA IMMEDIATE

C O N F I D E N T I A L STATE 165113

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EXDIS

E.O. 11652: GDS

TAGS:PN, US,CU,EAID,PFOR

SUBJECT: 664 DETERMINATION

1. AS A RESULT OF GOP'S FAILURE TO TAKE APPROPRIATE STEPS  
RE CUBA SHIPPING, AS SET FORTH IN SECTION 620(A)(3) OF  
FOREIGN ASSISTANCE ACT, SECRETARY, ON JUNE 30, MADE  
DETERMINATION AND WAIVER PERMITTED BY SECTION 664 OF FAA.  
PURSUANT TO TERMS OF SECTION 664, WE ARE PREPARING TO SEND  
REPORT OF SUCH DETERMINATION TO HOUSE AND SENATE. REPORT  
MUST BE SUBMITTED IN REASONABLE TIME, WHICH WOULD MEAN  
NO LATER THAN THREE WEEKS AFTER SECRETARIAL DETERMINATION.

2. IT NOW APPEARS POSSIBLE THAT SNYDER AMENDMENT TO STATE  
DEPARTMENT'S APPROPRIATIONS BILL WILL NOT BE ACTED UPON  
UNTIL AFTER THE AUGUST CONGRESSIONAL RECESS. THUS,  
REPORT TO CONGRESS REQUIRED BY SECTION 664 WILL PRECEDE  
FINAL CONGRESSIONAL ACTION ON STATE APPROPRIATIONS BILL.  
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AS YOU CAN APPRECIATE, THIS REPORT TO CONGRESS MAY AFFECT  
SENATE VOTES ON THE SNYDER AMENDMENT, ALTHOUGH BY THE  
TIME THE SENATE RECONVENES IN EARLY SEPTEMBER, ANY  
INTEREST IN THE WAIVER MAY WELL HAVE DISSIPATED.

3. DESPITE SERIOUS LEGAL AND POLICY PROBLEMS, WE ARE  
LOOKING INTO THE POSSIBILITY OF RESCINDING WAIVER. THIS  
WOULD BE VIABLE, OF COURSE, ONLY IF LEGAL ISSUES CAN BE  
RESOLVED AND IF SATISFACTORY, REPEAT SATISFACTORY,

EVIDENCE COULD BE OBTAINED THAT GOP IS TAKING  
"APPROPRIATE STEPS" REQUIRED BY SECTION 620(A)(3).

GIVEN PAST GOP "ASSURANCES" ON THIS MATTER, EVIDENCE  
REQUIRED AT THIS POINT WOULD BE CONSIDERABLE. FIRST OF  
ALL, WE WOULD NEED PRECISE ASSURANCES, PREFERABLY IN

WRITING, FROM HIGHEST GOP LEVELS THAT STEPS WERE BEING  
TAKEN, IMMEDIATELY, TO PREVENT GOP SHIPS AND PLANES FROM  
CARRYING GOODS TO OR FROM CUBA. WE WOULD ALSO NEED TO  
KNOW WHAT THESE STEPS WERE AND HOW THEY WOULD OPERATE  
TO ACHIEVE THE REQUIRED ENDS. STEPS WOULD HAVE TO DEAL,  
INTER ALIA, WITH GOP FLAG MERCHANT SHIPS, WITH PAN CARGA

FLIGHTS BETWEEN HAVANA AND PANAMA, AND WITH FEBRUARY  
1975 AGREEMENT FOR AIR TRAFFIC BETWEEN CUBA AND PANAMA.

4. BEFORE PROCEEDING WITH ANALYSIS, WE WOULD  
APPRECIATE YOUR JUDGMENT AS TO THE FEASIBILITY AND  
DESIRABILITY OF PERSUADING GOP TO TAKE "APPROPRIATE  
STEPS". IF YOU BELIEVE GOP WOULD BE PREPARED TO TAKE  
"APPROPRIATE STEPS" WITHIN REQUIRED TIME PERIOD, PLEASE  
INDICATE HOW YOU WOULD PROPOSE TO PROCEED. INGERSOLL

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